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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RYAN WHEELER,

Defendant.

INFORMATION

CASE NO.

JUDGE

Title 18, United States Code, Sections
371, 2320 and 2

MAG. JUDGE GALLAS

JUDGE DOWD

COUNT 1
(Conspiracy)

The United States Attorney charges:

1. At all times material herein, the United States Food and Drug Administration ("FDA") must approve any drugs for safety and efficacy, especially drugs which can cause serious injury or death, which are manufactured and/or being sold in the United States.
2. At all times material herein, any person or company selling any dangerous drug, that is, any drug which can cause serious injury or death, must be registered with the United States Drug Enforcement Administration ("DEA"); before any registration can occur through the DEA, a person or company must be registered by the State of Ohio.

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3. At all times material herein, Viagra was a prescription drug manufactured and sold by Pfizer Company; Cialis was a prescription drug manufactured and sold by Eli Lilly and Company; and Levitra was a prescription drug manufactured and sold by Bayer Healthcare AG. These drugs were all required to be approved by the FDA and distributed only through pharmacies which were licensed and approved by the DEA and the State of Ohio.

4. At all times material herein, the defendant, RYAN WHEELLE, was not a pharmacist and was not registered or licensed by the FDA, DEA, or the State of Ohio to sell, receive, package and distribute prescription drugs.

The Conspiracy

5. From in or about December 2005 through in or about June 2006, in the Northern District of Ohio, Eastern Division and elsewhere, RYAN WHEELLE, the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate and agree together and with each other to defraud the United States by obstructing, impeding and impairing the function of the FDA to regulate, monitor, and verify the safety and efficacy of drugs marketed in the United States.

The Means and Methods of the Conspiracy

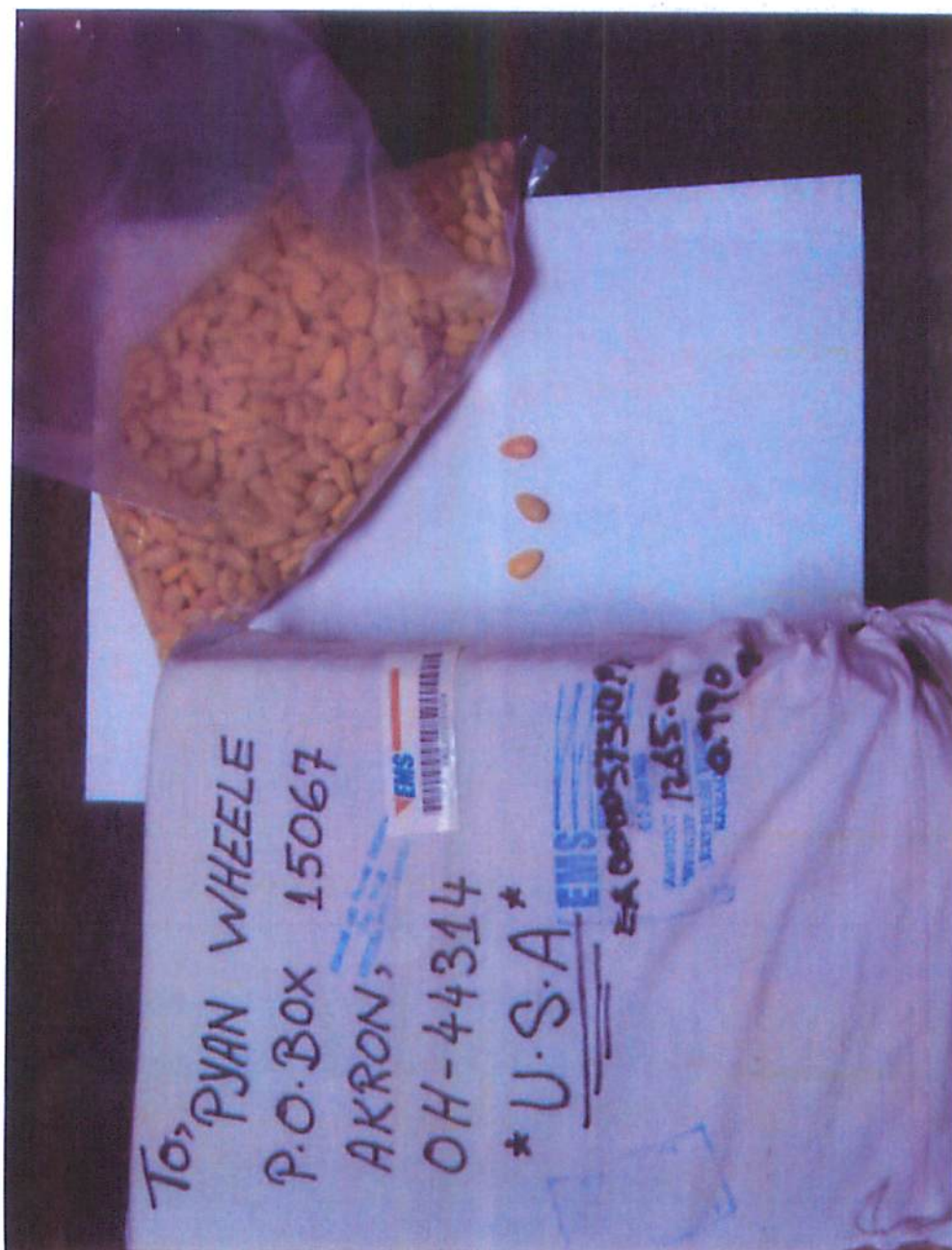
6. Among the means and methods by which RYAN WHEELLE, the defendant, and others known and unknown, would and did carry out the conspiracy were the following:

a. It was a part of the conspiracy that the defendant, RYAN WHEELLE, met on the internet a co-conspirator, who was acting as an internet pharmacy, and agreed to receive prescription drugs in bulk and distribute these drugs by mailing them to individuals, per instructions from this co-conspirator, for which the defendant would be paid by this co-

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conspirator, \$15.00 per order. Over the period of this scheme, the defendant received from the co-conspirator over \$12,000.00 for repackaging and shipping pills in this fashion.

b. It was a part of the conspiracy that the defendant, RYAN WHEELER, set up a post office box address and would receive packages which were sent, or caused to be sent, by the co-conspirator (see picture below indicating one such shipment).



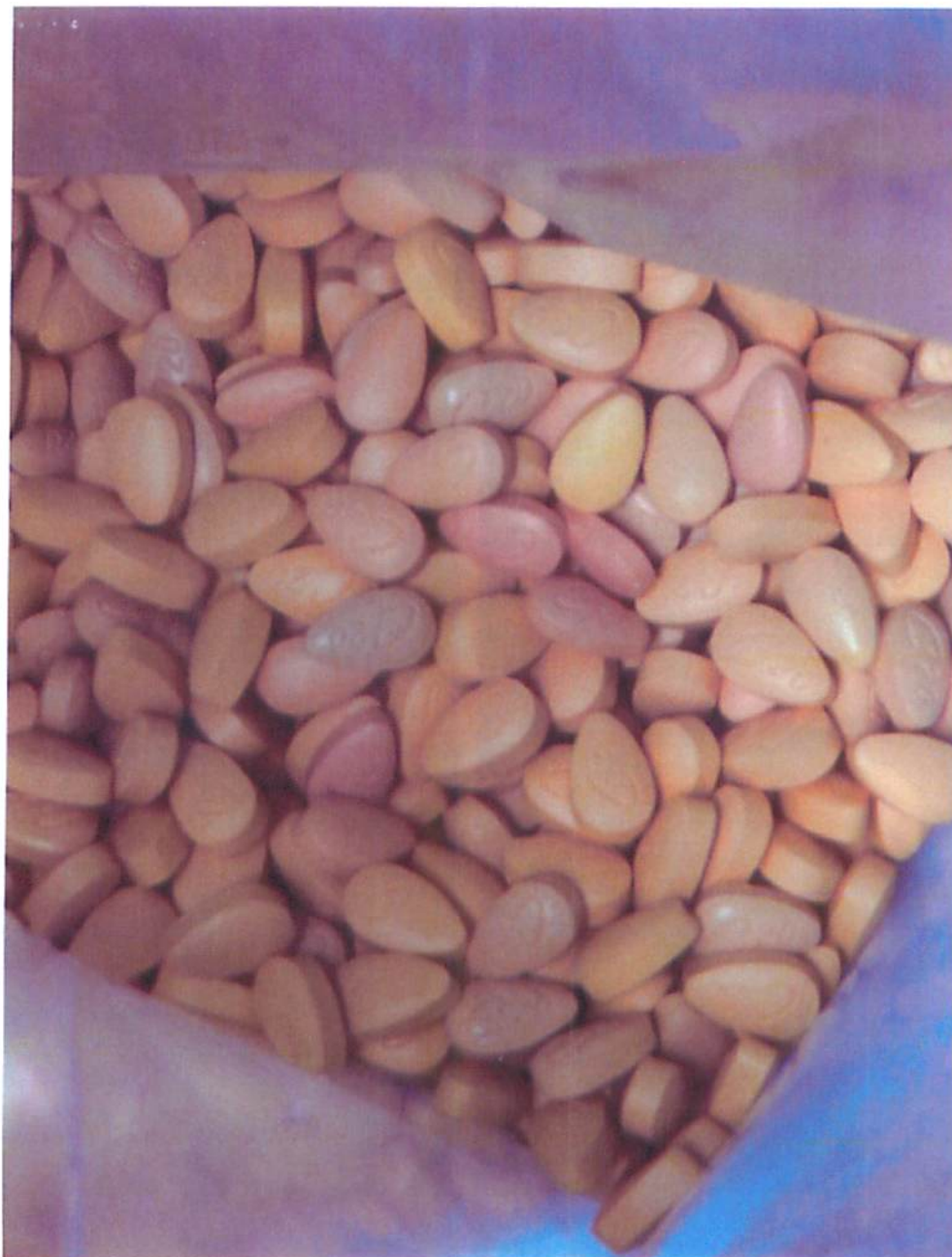
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These shipments came from such countries as Pakistan, India, and Great Britain, with some of these packages being marked as containing swimming supplies, "swimming treatment" or "swimming test supplies," when, in fact, as the defendant well knew, such packages contained large quantities of pills in bulk of counterfeit Viagra, Cialis, and Levitra tablets (see picture below showing one such package).



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In many cases these counterfeit pills were not uniformly the same (see the picture below of one such bulk shipment of purported Cialis pills).



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c. It was a further part of the conspiracy that the defendant, RYAN WHEELER, would also receive from the co-conspirator an order list of names and addresses of customers, and the prescription drug and quantity these customers had ordered from what was purported to them to be an internet pharmacy.

d. It was a further part of the conspiracy that the defendant, RYAN WHEELER, would purchase vials and type up purported prescription labels and affix them to the vials so as to give the false impression that a pharmacy actually filled this order.

e. It was a further part of the conspiracy that the defendant, RYAN WHEELER, would then spread out the bulk order of pills, sort through them, and fill these vials by hand in an unsanitary conditions such as the sink area of his basement where his pet cats live.

f. It was a further part of the conspiracy that the defendant, RYAN WHEELER, would mail these orders out to the individuals and addresses on the order list, giving a name which was not his name and a fictitious address as the sender and sender's address on these packages.

g. From in or about December 2005 to in or about June 2006, in the Northern District of Ohio, Eastern Division, and elsewhere, the defendant, RYAN WHEELER, for the purpose of executing such scheme and artifice and attempting so to do, placed in any post office and any authorized depository for mail matter, any matter or thing, to wit: packages of counterfeit Viagra, Cialis and Levitra tablets, to be sent and delivered by the United States Postal Service, and deposited and caused to be deposited said packages to be sent and delivered by any private or commercial interstate carrier.

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Overt Acts

7. In furtherance of the conspiracy and to effect its unlawful objects, RYAN WHEELLE, the defendant, and others known and unknown, committed the following overt acts, among others, in the Northern District of Ohio, Eastern Division and elsewhere:

a. Paragraphs 6 a. to 6 g. above, are set forth herein as individual overt acts, as if fully rewritten herein.

b. From on or about December 2005 to on or about June 2006, the defendant, RYAN WHEELLE, mailed, and caused to be mailed, through United States mail and by private or commercial interstate carriers, packages of counterfeit Viagra, Cialis and Levitra tablets to customers throughout the United States, with each mailing constituting an overt act as if individually set forth herein..

All in violation of Title 18, United States Code, Section 371.

COUNT 2

(Trafficking in Counterfeit Goods or Services)

The United States Attorney further charges:

8. From in or about December 2005, through in or about June 2006, the exact dates being unknown, in the Northern District of Ohio, Eastern Division, the defendant, RYAN WHEELLE, intentionally did traffic and attempt to traffic in goods, to wit, Viagra, Cialis, and Levitra tablets, and knowingly used counterfeit marks on and in connection with such goods, that is, tablets falsely bearing the identifying marks of Viagra, Cialis, and Levitra tablets, which counterfeit marks were identical with and substantially indistinguishable from genuine marks in use and registered for those goods on the principal register in the United States Patent and

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Trademark Office, and the use of which marks was likely to cause confusion, to cause mistake, and to deceive.

All in violation of Title 18, United States Code, Sections 2320 and 2.



GREGORY A. WHITE
UNITED STATES ATTORNEY